

PLANNING POLICY COMMENTS

Date: 6th October 2022 v2

Application Number: SMD/2022/0244

Location: Industrial Agricultural Engineering (IAE), Brookhouse Way, Cheadle

Proposal: Demolition of existing buildings on site. Redevelopment to provide a food store (Class E) and associated access, car parking and landscaping works. Proposing 1786m² (gross) and 1315m² (net) floorspace.

Background / History: The site is currently in employment use by IAE who, according to the applicant, will shortly be relocating to a new site outside the District to expand their business. They presently employ 35-40 staff and the relocation will not result in a loss of jobs. The site is within the Cheadle development boundary and does not have a specific allocation in the Staffordshire Moorlands Local Plan.

Main Policy Considerations:

National Policy (NPPF July 2021)

Paragraphs of particular relevance include:

Paras 86/87 – requirement for sequential test.

Para 89 – requirement for impact assessment.

Para 90 – circumstances under which applications should be refused.

Supporting NPPG on Town Centres and Retail.

Staffordshire Moorlands Local Plan 2020

Policies of particular relevance include:

Policy SS2 – Settlement Hierarchy - Cheadle is listed as a town in the settlement hierarchy and the spatial strategy seeks to focus future growth in towns and strengthen their role as service centres.

Policy SS7 – Cheadle Area Strategy – Part 2 of the policy ‘supporting the retention and growth of JCB and other existing businesses within the town’, ‘improving and intensifying the use of existing employment areas at New Haden / Brookhouses’. Part 3 of the policy ‘supporting improvements to the quality and range of retail offer and supporting town centre uses’.

Policy SS12 – Planning Obligations – requires provision of / cost of providing on-site / off-site infrastructure, facilities and/or mitigation necessary through the use of planning obligations and / or conditions where the policy tests are met.

Policy E3 – Existing Employment Areas, Premises and Allocations – premises which are well located, provide / capable of providing good quality modern accommodation and capable of meeting a range of employment uses will be safeguarded for such purposes. Development which would lead to a loss will not be permitted unless:- a) it's a Local Plan allocation for another use; or b) not suitable / viable for any continued employment use; or c) substantial planning benefits would be achieved to outweigh the loss of the site for employment use; and if b) or c) apply, preference will be given to a mixed-use scheme which retains as much employment floorspace as possible.

Policy SD1 – Sustainable Use of Resources – Applicants for all major scale planning applications (1,000m² + floor area) to demonstrate consideration of the energy efficiency, water conservation, sourcing of construction materials, site orientation aspects of the scheme and where possible the feasibility of integrating micro renewables.

Policy TCR3 – Retailing and other Town Centre uses outside Town Centres – requires schemes of 200m² or more (net sales for A1) to be supported by a Sequential Assessment and an Impact Assessment.

Policy DC1 – Design Considerations – Requires all development to be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD.

Policy DC3 – Landscape and Settlement Setting – The Council will protect and where possible enhance local landscape and the setting of settlements in the Staffordshire Moorlands.

Policy SD5 - Flood Risk – The Council will follow a sequential approach to the management of flood risk in accordance with NPPF policy. Where sites are located in flood risk areas and / or affected by watercourses, the Council expects developers to undertake early discussions with the EA and LLFA.

Policy NE2 – Trees, Woodland and Hedgerows – Policy to protect existing trees, woodlands and hedgerows, in particular, ancient woodland, veteran trees and ancient or species-rich hedgerows from loss or deterioration.

Policy T1 – Development and Sustainable Transport – promotes and supports development which reduces the reliance on the private car for travel journeys, reducing the need to travel generally and accommodates residual development traffic in line with the Integrated Transport Strategy. Requires development which generates significant demand for travel / or is likely to have significant transport implications to make contributions for improvements to mitigate the impact.

Policy T2 – Other Sustainable Transport Measures – Encourages and supports measures which promote better accessibility, create safer roads, reduce the impact of traffic, or facilitate highway improvements.

Comments

Compliance with Local Plan Policy

This application raises a number of policy issues for consideration during the determination process.

Existing Employment Site

The proposed development site is currently an employment site occupied by IAE, who, according to the applicant, are due to relocate to a new site in Stoke on Trent. They may have already done so since this application was submitted.

Local Plan policy E3 deals with existing employment areas. Employment land / employment uses are defined in the Local Plan glossary as “includes authorised employment sites currently in use; disused / vacant sites where authorised employment use has not been abandoned; and employment allocations in Policy E2 whether or not they contain development.” Retail use like the proposed Aldi store is not classed as an employment use in this policy.

The policy tests set out in Policy E3 are relevant in the determination of this application. It is considered that the site is well located in relation to the main road (A521), provides / could provide good quality accommodation to meet a range of employment uses to support the local economy. Proposals for the loss of such sites are required to meet one of the policy tests set out:

- The proposal does not meet test A as it is not a Local Plan allocation.
- The applicant’s Planning and Retail Statement covers the principle of development and economic development starting on page 8 (paragraph 5.8). It does not demonstrate that the site will not be suitable or viable for any continued employment use (as required by test B).
- Some description is given by the applicant as to the benefits of a new Aldi for the town in their statement, starting at paragraph 5.19. However, this does not appear to fully meet policy test C as there is no recognition from the applicant that development of their scheme would lead to the loss of an employment site.

A judgment will be needed by the case officer as to whether the applicant’s case constitutes ‘substantial planning benefits’ (i.e. policy test C) which would outweigh the loss of the site for employment use. The site is in an established industrial part of the town and replacement of land suitable for employment use can be difficult as it does not attract the same returns as land for residential use. There is just one Local Plan allocation of 4.27ha in Cheadle which is undeveloped and showing no immediate signs of being delivered. Also, monitoring data covering the Cheadle wards indicates that there is only a very small extant commitment for office floor space (243m²) so this further illustrates the lack of alternative options for the type of employment land being lost. Consideration of policy test C should be made alongside policy test D, where preference is given to a mixed use scheme. Enabling development is another policy option with a viability appraisal and retention of as much employment floor space on the site as possible.

The applicant appears to be of the view that as Aldi will employ a similar number of staff to IAE and economic development is defined as including town centre uses (like retail) in the Local Plan glossary then this meets policy tests. However, as explained above, the policy tests in Policy E3 appear to have been glossed over in the applicant’s planning and retail statement, rather than being explicitly met.

To fully address this, the applicant could:

- Provide evidence to comply with test B (demonstrate the site would not be suitable or viable for any continued employment use and evidence can be provided that no suitable and viable alternative employment use can be found or is likely to be found in the foreseeable future). This would involve undertaking a marketing exercise (refer to Local Plan paragraph 7.38, the supporting text to the policy), or
- Fully comply with policy test C. Part D of the policy is also relevant in both cases.

**UPDATE* Response to further information submitted by applicant concerning Policy E3 (September 2022)*

The applicant has not complied with policy test B and dismisses the need to do so. Consequently, in order to be policy compliant, they need to fully comply with policy tests C and D.

Part C - In this respect, the applicant states that:

“the proposal should be considered in the context of the wider benefits of the proposal that would outweigh the loss of the traditional B class employment use:

- a) The site is currently vacant with no job opportunities;
- b) The proposal would introduce 40 new jobs paid above living wage;
- c) Training opportunities;
- d) There is a clear need for retail choice and competition within the catchment area;
- e) The catchment does not currently have a discount retailer. At the onset of a cost of living crisis, the proposal will enable access to cheaper shopping;
- f) Reduction in the need to travel;
- g) Redevelopment and regeneration of the site”.

Points a) and g) are debatable as the site has only recently been vacated by a business and no evidence has been presented to indicate that the site has been marketed for an employment use (as defined in the Local Plan glossary). In the Council’s opinion, taking into account the contents of Local Plan paragraph 7.38 and the Glossary which clearly defines employment land as including “disused/vacant sites where employment use has not been abandoned”, the current site is still an employment site and the proposal constitutes a retail use. Although Class E incorporates B1A, it does not incorporate B2-B8 and in any event presumably the scope of any resultant consent would be limited to retail only (so future changes of use would need permission).

However it is considered that points b), c), d), e) and f) do demonstrate substantial planning benefits - job creation/training, improved retail offer, reduction of travel to other stores outside of the District and associated sustainability benefits. The Council’s retail evidence for the adopted Local Plan does identify that a significant proportion of residents in the Cheadle catchment travel out of town (primarily to Tesco and Aldi at Meir) to access a wider retail offer. Consequently, part c of Policy E3 has been complied with.

Part D – It appears that part d of the policy has been overlooked. **There is a lack of explanation of how this policy test has been met in the applicant’s information and this needs to be addressed to fully comply with Policy E3.** To do this the applicant needs to explain whether the site been considered for a mixed use scheme (i.e. retail and non-retail employment)? For example, has a smaller area for parking been considered? Local Plan

Policy T1 supports development which reduces reliance on the private car for travel journeys. One of the ways of achieving this is ensuring that major development is located in areas that are accessible by sustainable travel modes or can be made accessible as part of the proposal. Would it be possible to connect into the existing cycle networks for example? This could then facilitate a smaller car park, providing space for an employment unit? If a mixed use scheme is not considered possible, the applicant needs to explain why.

Sequential Assessment

A Sequential Assessment is required for this proposal as it is in an out of town centre location. Guidance in the NPPG states that the onus is on the applicant to demonstrate compliance with the sequential test.

It is noted that a sequential assessment has been undertaken by the applicant covering the Tape Street Car Park, Penny Lane Mall and Market Place (all within the town centre boundary set out in the Local Plan). It is accepted that, for the reasons given, none of these sites would be suitable for the proposed Aldi store. There are no other sequentially preferable sites I am aware of which would be available to accommodate an Aldi store in Cheadle. Therefore, the sequential test is passed.

Impact Assessment

An Impact Assessment is required as the proposal exceeds the locally set threshold in the Local Plan. The applicant has submitted one. It is based on a NEMS household survey they commissioned earlier this year looking at current shopping patterns for Cheadle residents. They have also undertaken their own Cheadle health check to inform the assessment by understanding the current performance of Cheadle town centre.

The NEMS study reveals that Tesco in Meir attracts 16.1% of Cheadle residents as a destination for their main food shopping. In addition, almost 20% of residents shop at other locations outside the Cheadle catchment (i.e. beyond a 10 minute drive time of Cheadle town centre), half of those at another Aldi store and a further 10% use internet / home delivery for their main food shop. According to this study, this amounts to over 46% of those within the Cheadle catchment not visiting the food stores within the catchment for their main food shopping.

NPPG provides further information on application of the impact test. The guidance recommends that a judgement is reached as to whether any likely adverse impacts are significant by consideration of local circumstances. Clearly, the data used and assumptions made in these assessments will shape the results. However, it is not considered necessary to commission a third party review of this assessment. It is confirmed that there are no existing commitments which would influence the impact assessment or be expected to significantly impact on Cheadle town centre. The leakage of shoppers out of the town for their food shopping identified by the applicant's NEMS survey concurs with the Council's own NEMS data in its 2013 retail study and there is only one food store comparable to Aldi within the town centre boundary – Iceland. The results of the town centre health check are noted.

Therefore, it is considered that the assessment conducted is proportionate for the scale of development proposed and it is agreed that the proposed Aldi store in an out of town centre location will not result in a significant adverse impact on Cheadle town centre.

Other Issues

The terms of **Policy SD1** around demonstrating consideration of energy efficiency as part of this scheme should be met. (There is a section on energy efficiency in the planning and retail statement – page 11 from para. 5.38).

It is noted that a Flood Risk Assessment and drainage strategy have been undertaken by the applicant. It is recognised that other studies have also been presented by the applicant including a travel plan, arboricultural assessment, ecological assessment, transport assessment. The relevant consultees with expertise in these areas can advise the case officer on the adequacy of the applicant's assessments.

The Council's Infrastructure Delivery Plan (dated February 2018), accompanies the Local Plan and details infrastructure required in the Staffordshire Moorlands to 2031. For Cheadle, one of the infrastructure requirements is the Mobberley Farm link road which links the Mobberley Farm housing allocation to Brookhouse Way (see Ref T24, Table 43, page 131 of the delivery plan). The access road would be delivered as part of housing development on the site. The link through to Brookhouse Way is identified separately in the table. Contribution towards this link relates directly to the application as it would enable new residents on the housing allocation to access the new Aldi store by road by crossing the former railway line without having to drive into the town centre and back out again. It is recommended that this is raised with Aldi for discussion.